



DISTRICT COURT OF MARYLAND FOR Prince George's County

Located at Courthouse, Bourne Wing, Upper Marlboro, Maryland 20772



Case No. D-05-CR-23-023104

STATE OF MARYLAND

VS.

GARCIA-MARTINEZ, NEHEMIAS OMAR

2908 HEMPSTEAD DRIVE
FORT WASHINGTON, MD 20744-0000

NOTIFICATION OF PROCEEDING REPORT (Md. Rule 4-216(g))

In accordance with Maryland Rule 4-216(g) notification of the proceeding was provided to:

State's Attorney: PARSON
Attorney Name: WILSON

Date/Time of Proceeding: 08/16/2023 08:37PM

Location: 13400 Dille Rd., Upper Marlboro, MD 20772

Method of Notification: TELEPHONE

Date/Time of Notification: 08/16/2023 08:37PM

Upon Completion of Proceeding

APPEARANCE: PUBLIC DEFENDER OR COURT-APPOINTED ATTORNEY

Received: TELECOMMUNICATION
Attorney Name: WILSON
Appearance: Appeared Remotely

STATE'S ATTORNEY: APPEARANCE

Participated Yes: TELECOMMUNICATION
State's Attorney Name: PARSON

CONFIRMATION the judicial officer complied with Rules 4-216(g) and 4-213(a).

Defendant was ordered held without bail.

Defendant was ordered pursuant to Rule 4-216.1 released on the following conditions:

Not engage in criminal activity.

Appear in court.

AUG 16 2023

Date



Judicial Officer

5245

ID Number



DISTRICT COURT OF MARYLAND FOR Prince George's County

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Case No. D-05-CR-23-023104

STATE OF MARYLAND VS.

GARCIA-MARTINEZ, NEHEMIAS OMAR

2908 HEMPSTEAD DRIVE
FORT WASHINGTON, MD, 20744
SID: 0005423120 LID:
FBI#:

INITIAL APPEARANCE REPORT

(Md. Rules 4-213, 4-213.1, 4-216 and 4-216.1)

Advice

I hereby certify that when the above named Defendant was brought before me for initial appearance, I:

ADVISED Defendant has appeared without an attorney and has a right to an attorney at the initial appearance, of the importance of having an attorney and, if indigent, the Public Defender will provide representation if the proceeding is before a judge or, a court-appointed attorney will provide representation if the proceeding is before a commissioner.

ADVISED Defendant has the right to waive the right to be represented by an attorney at the initial appearance and the waiver is only applicable to the initial appearance and not to any other hearing or proceeding.

ADVISED Defendant has an absolute right to hire a private attorney at Defendant's expense to defend against these charges. If the Defendant does not have the money to hire a private attorney, the Defendant is advised to apply right away to a District Court commissioner for representation by the Public Defender. A District Court commissioner makes the determination of whether the Defendant is financially eligible for the services of the Public Defender. After receipt of the Final Qualification, all further questions should be directed to the Public Defender's Office.

ADVISED Defendant any representation by a court-appointed attorney is provisional, limited to the initial appearance, and will terminate automatically upon conclusion of the hearing.

INFORMED Defendant of each offense charged and of the allowable penalties, including any mandatory or enhanced penalties, if any.

REQUIRED Defendant to read the Notice of Advice of Right to Counsel.

ADVISED Defendant that if Defendant appears for trial without counsel, the Court could determine that the Defendant waived counsel and the Defendant may have to proceed to trial unrepresented by counsel.

INFORMED Defendant of Affidavit for Indigent, the Defendant completed the requested affidavit and the commissioner determined with the criteria set forth in Code, Criminal Procedure Article §16-210 (b) and (c) whether the Defendant qualifies for a court-appointed attorney.

INFORMED Defendant that this preliminary determination is for the purpose of representation at the initial appearance only.

DETERMINED DEFENDANT IS INDIGENT.

ADVISED Defendant has the right to be represented by an attorney at the initial appearance and, if no other attorney has entered an appearance you shall be represented by the court-appointed attorney, unless the Defendant waives the right to be represented by an attorney at the initial appearance.

ENTRY OF APPEARANCE: Defendant was represented at initial appearance by court-appointed Attorney.

APPEARANCE: COURT-APPOINTED ATTORNEY/PUBLIC DEFENDER

Received: by Telecommunication.

Attorney's Name: WILSON

Appeared Remotely.

ADVISED defendant of provisional representation by court-appointed attorney shall be limited to the initial appearance before the judicial officer and shall terminate automatically upon the conclusion of this proceeding.

STATE'S ATTORNEY'S APPEARANCE:

State Attorney was present by telecommunication


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State's Attorney's Name: PARSON

ADVISED Defendant that the charge is a felony that is not within the jurisdiction of the District Court; the Defendant has a right to have a preliminary hearing by a request made now or within 10 days; and failure to make a timely request will result in a waiver of this hearing.

Defendant requests preliminary hearing. It is scheduled for 09/15/2023 at 8:45 AM in Room 261, at Courthouse, Bourne Wing, Upper Marlboro, Maryland 20772.

Pretrial Release Determination

On the basis of information available to and developed by me I HAVE DETERMINED:

That Defendant is not eligible for release under CP Article, Section 5-102 of Maryland Code and MD Rule 4-216.

The following Required Condition(s) of Release are imposed on the Defendant:

Do not engage in any criminal conduct during the period of pretrial release.

Appear in court when notified to do so.

The Defendant is to be HELD WITHOUT BOND.

Notice

I INFORMED THE DEFENDANT:

1. that a condition of ANY release is that Defendant appear for hearing and/or trial as directed by the Court.
2. that a warrant will be issued for the Defendant's arrest for any violation of condition(s) of release; that if the recognizance or bail bond is forfeited and the Defendant fails to surrender within 30 days following the forfeiture, on a felony charge the penalty imposed may be up to 5 years in jail and/or a fine up to \$5,000, or on a misdemeanor charge the penalty imposed may be up to 1 year in jail and/or a fine up to \$1,000; that the Defendant may be charged with contempt of Court.
3. to notify the Court in writing of any change of address or telephone number.

Date: 08/16/2023 Time: 8:37 PM

Commissioner: Dunbar ID: 5245
Receipt

I have read had read to me the offense(s) for which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Advice of Right to Counsel. I acknowledge receipt of a copy of this form. My Bail Review date is 08/17/2023 at 01:15 pm in room 261, at Courthouse, Bourne Wing, Upper Marlboro, Maryland 20772.

I have been informed that the Trial/Hearing date is 09/15/2023 at 8:45 AM in Room 261, at Courthouse, Bourne Wing, Upper Marlboro, Maryland 20772.

I agree to any conditions of release and agree to appear as directed.

AUG 16 2023

Signature of Custodian

Omar Garcia

Signature of Defendant



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VS.

GARCIA-MARTINEZ, NEHEMIAS OMAR

2908 HEMPSTEAD DRIVE

FORT WASHINGTON, MD 20744-0000

SID: 0005423120

DEFFBINO:

LID:

DOB: 04/29/1990

INITIAL APPEARANCE QUESTIONNAIRE

DEFENDANT RESPONSES

Alias/Maiden Name:

How Long Current Address: 3 YEARS

Rent: No

Own: No

Previous Addr 1:

TEMPLE HILLS, MD

How Long: 1 YEAR

Previous Addr 2:

How Long:

Maryland Resident: Yes

Place of Birth: HONDURAS

Marital Status: Single

Living With: DAVID PARALTA

Relationship:

of Dependents: 2 **Relationship:** CHILDREN

State: XX

Full Time: Yes

Driver's License #: G625626661328

Phone #: () -

Part Time:

Employer: TITAN BROTHERS

MANASSAS, VA

How Long: 1 YEAR

Address:

Occupation: CONSTRUCTIONS

Income: \$750.00

Source:

of Dependents rely on income: 2

Licensed By:

License #:

Last Employer:

Phone #: () -

How Long:

Greatest Recurring Expense: ELECTRIC

Amount: \$400.00 **W/M/X**

Other Assets:

Prior Convictions: No

Prior FTA: No

Pending Cases: No

Probation/Parole: No

RECORD CHECK

Commissioner verified, No, CP 5-202 does not apply.

DISTRICT COURT MAINFRAME

Traffic: Y **Criminal:** Y

CJIS

WRAP/RAPS: Y **OBII:** Y

Warrant: Y **Civil:** Y

METERS/NCIC/III/NLETS

ODYSSEY

MVA

III QH: Y **QR:** Y **QWI:** Y

Records Search: Y **Driver Record Search:** Y

NLETS IQ: Y **FQ:** Y

Warrants: Y

DRIVERS LICENSE QUERIES **DQ:** Y **KQ:** Y

JPORTAL

DV OFFICE

DJS ASSIST

MVA MDQ: Y

Secure Case Search: Y

DV/PO: Y

Juvenile: N

Wanted Persons QW: Y

Orders: Y

MOSOR

Warrants: Y

Registered/Lifetime Sex Offender: Y

There are COMMENTS associated with this case. See ATTACHED PAGE.

08/16/2023

Commissioner

ID: 5245

(Signature)

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction, including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

RECEIPT

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

AUG 16 2023

Date
AUG 16 2023

Date

Omar Garcia
Signature of Defendant
Debra
Commissioner
5245
ID Number

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

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 - (D) helping you at trial;
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 - (F) helping you to get a fair penalty if convicted.
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NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. Drivers who receive payable citations included with a "Must Appear" citation automatically will receive a trial date notice for all citations. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - If ALL of your charges are marked "Payable", you must comply with one of the following within 30 days after receipt of the citation/summons.

OPTION #1 - Pay the full amount of the preset fine for each violation.

OPTION #2 - Request a waiver hearing regarding sentencing and disposition instead of trial - Plead Guilty With an Explanation. Do not send payment.

OPTION #3 - Request a trial date, time, and place established by the District Court of Maryland by writ or trial notice. Do not send payment.

Please note that payment of the preset fine will result in conviction for the offense(s) charged being entered against you and the case being closed. Please note further that points will be assessed by MVA on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. Failure to pay the preset fine or to appear at trial, after notice, will result in the suspension of your driving privileges by the Motor Vehicle Administration.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

From all areas including out-of-state calls: 1-800-492-2656
TTY users call Maryland RELAY: 711

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

AUG 16 2023 *Omar Correa*

Date

AUG 16 2023

Date

Judge/Commissioner

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a **jail sentence** could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. **ACT IMMEDIATELY** to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the **District Court Commissioner** who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Prince George's County
4990 RHODE ISLAND AVE
Hyattsville, MD 20781
1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or
Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:

mdcourts.gov/district/directories/commissionermap

If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A **FINAL QUALIFICATION** IN WRITING.
ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is:

**14735 MAIN STREET - ROOM 272B
UPPER MARLBORO, MARYLAND 20772**

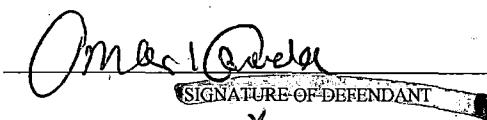
Their telephone number is: **301-952-2159**

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

AUG 16 2023

DATE,


SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**